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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
===== X
THOMAS BENDER,

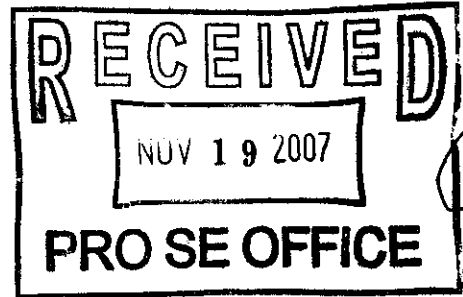
AMON, J.
BLOOM, M.

PLAINTIFF,

CIVIL RIGHTS COMPLAINT
TITLE 42 U.S.C SECTION 1985 (3) 1983

-AGAINST-

LT. LOUIS HENEGHAN, NARCOTICS
BOROUGH QUEENS, CONFIDENTIAL
INFORMANT OF THE NEW YORK CITY POLICE
DEPARTMENT; JANE DOE, JANE DOE, JOHN DOE.
PATRICK THEODORE, SHIELD NO. 12182,
JOHN DOE, #1, JOHN DOE #2, JOHN DOE #3,
JOHN DOE #4, JOHN DOE #5, JANE DOE# 1,
JOHN DOE #6, JOHN DOE #7, JOHN DOE #8
JOHN DOE #9, JOHN DOE #10; JOHN DOE #11,
JOHN DOE #12, JOHN DOE # 13, ET. AL.
THE CITY OF NEW YORK;
THE NEW YORK CITY POLICE DEPARTMENT,



DOCKET NO. _____

DEFENDANTS.

===== X

***PLAINTIFF, THOMAS BENDER, APPEARING PRO-SE HEREIN IN THE
ABOVE CAPTIONED ACTION ALLEGED THE FOLLOWING UNDER THE
PENALTIES OF PERJURY, DEPOSE AND SAY:***

I. JURISDICTION

1. This Civil Action seeking relief and or damages to defend and protect the rights guaranteed by the United States Constitution. This action is brought pursuant to title 42 U.S.C. Section 1985 subparagraph (3) conspiracy and Section 1983 and that this court has jurisdiction over this action pursuant to 28 U.S.C. Section 1331 (3) and (4), and section 2201 of the Federal Statute therein:

II. PARTIES INVOLVED

2. PLAINTIFF: THOMAS BENDER
ADDRESS: 117-25 147^H STREET,
JAMAICA, N.Y. 11436

CONTACT NO. (347) 258-1598

3. DEFENDANT: PATRICK THEODORE
OCCUPATION: POLICE OFFICER, SHIELD NO. 12182,
ADDRESS: NARCOTICES BOROUGH QUEENS NORTH
80-45 WINCHESTER BLVD, BUILDING #70,
QUEENS VILLIAGE, N.Y. 11428
4. DEFENDANT: LOUIS HENEGHAN
OCCUPATION: POLICE LIEUTENANT
ADDRESS: 80-45 WINCHESTER BLVD, BUILDING # 70,
QUEENS VILLIAGE, N.Y. 11428
5. DEFENDANT: RICHARD A. BROWN, D.A.
QUEENS DISTRICT ATTORNEY
125-01 QUEENS BLVD,
KEW GARDENS, N.Y. 11415
6. DEFENDANT: JOHN DOE # 3, POLICE OFFICER
7. DEFENDANT: JOHN DOE # 4, POLICE OFFICER
8. DEFENDANT: JOHN DOE # 5, POLICE OFFICER
9. DEFENDANT: JOHN DOE #6, POLICE OFFICER
10. DEFENDANT: JOHN DOE # 7, POLICE OFFICER
11. DEFENDANT: JOHN DOE # 8, POLICE OFFICER
12. DEFENDANT: JOHN DOE # 9, POLICE OFFICER
13. DEFENDANT: JOHN DOE #10, POLICE OFFICER
14. DEFENDANT: JOHN DOE # 11, POLICE OFFICER
15. DEFENDANT: JANE DOE # 12, POLICE OFFICER

**NOTE: PLAINTIFF RESERVES THE RIGHT TO AMEND COMPLAINT UPON
THE DISCOVERY OF EACH NAME OF THE DEFENDANTS WHO
PARTICIPATED IN THIS CIVIL RIGHTS AND CONSTITUTIONAL VIOLATION.**

III.

PREVIOUS LAWSUITS

16. Have you ever filed any previous lawsuits or have any pending law suits?

Yes ()

No ()

17. Explain the nature of each previous law suit, whether state or federal and the outcome of each pending action.

- (a) Thomas Bender, the Plaintiff herein as filed a previous law suit against some of the same police officers who participated in this most recent action and that plaintiff's case is still pending in the Eastern District Court under the docket number: _____, before Honorable Magistrate: Bloom, *see Exhibit-A (copy of previous law suit information)*.

IV.

STATEMENT OF FACTS

On October 10th 2006, plaintiff, Thomas Bender was home at his residence located at 117-25 147th Street, Jamaica, New York in the County of Queens, State of New York and at some point during the course of that day, defendants arrived at his residence with a '...second alleged search warrant....', and plaintiff sitting outside on the stoop of this home, the police officers, detectives and other members of law enforcement placed handcuffs on plaintiff and arrested him, then went inside his home to conduct and execute a search of his residence for over 35 minutes. Plaintiff notice that most of these police officers and detectives were responsible for the previous illegal search that was executed on September 10th 2005, along with Detective Rachael Alveraz and other recognized and familiar faces.

Plaintiff was placed under arrest without any knowledge as to why and then sent to the police station for booking, and the arresting officers indicated that they were '....really looking for Michael James....', because they wanted to shut him up from continuing his federal law suit and a trial, so the police officers confiscated manufactured evidence against plaintiff herein in retaliation of the initial federal law suit against the majority of these defendants. The police had planted false evidence inside the home of plaintiff and manufactured a false search warrant affidavit in order to appear that '....a confidential informant had purchased heroin from Thomas Bender or from the residence of Michael

James...', and that this same search warrant affidavit has language that made references to the September 10th 2005 illegal search of Michael James's residence which is currently pending before the United States District Court for the Eastern District of New York. Plaintiff is currently appearing before the local criminal court Queens County for over 14 months since the arrest and illegal search in retaliation of the protective activity exercised by plaintiff against the police defendants in the past and without an indictment on the current criminal charges for 14 months, plaintiff believe that the Queens County District Attorney's Office and the New York City Corporation Counsel's Office has conspired to lavish this case, a misdemeanor in order to cause public embarrassment and annoyance for plaintiff and to discredit plaintiff before the Federal Trial in the initial civil action against the same or other police defendants.

Plaintiff has filed a motion for a speedy trial denial along with the exhibits for a hearing for the dissolution of the criminal case, *Exhibit-B (copy of notice of motion)*.

V.

CAUSES OF ACTION

THE FIRST CAUSES OF ACTION

PLAINTIFF'S CLAIMS THAT THE DEFENDANTS' VIOLATED HIS CONSTITUTIONAL RIGHTS IN RETALIATION FOR PLAINTIFF'S INITIAL LAW SUIT FILED AGAINST DEFENDANTS WHICH THEN WARRANTS JUDGMENT FOR DAMAGES DEMANDED HEREIN.

THE SECOND CAUSE OF ACTION

THAT DEFENDANTS' IN A CHAIN CONSPIRACY COLLECTIVELY CAUSED THE INJURY TO PLAINTIFF TO EXECUTE AND ARREST AND TO CONDUCT AN ILLEGAL ARREST WHILE COMMITTING PERJURY BY FILING A FALSE SEARCH WARRANT AFFIDAVIT IN THE LOCAL CRIMINAL COURT IN VIOLATION OF JUDICIAL ECONOMY AND WASTE, WHICH WARRANT JUDGMENT AGAINST EACH INDIVIDUAL DEFENDANT IN HIS OR HER OFFICIAL AND PERSONAL CAPACITIES.

THE THIRD CAUSE OF ACTION

THAT EACH DEFENDANT HAD PARTICIPATED IN A PREVIOUS ILLEGAL SEARCH OF PLAINTIFF'S RESIDENCE AND WAS NAMED IN A FEDERAL LAW SUIT FOR CONSTITUTIONAL AND CIVIL RIGHTS VIOLATIONS WHICH WARRANT THAT ALL CRIMINAL PROCEEDINGS AGAINST PLAINTIFF BE DEEM A FORM OF RETALIATION FOR HIS PROTECTIVE ACTIVITIES.

THE FOURTH CAUSE OF ACTION

THAT PLAINTIFF'S DUE PROCESS RIGHTS WERE VIOLATED WHEN THE DEFENDANTS' IN A COLLECTIVE EFFORTS TO CAUSE INJURY, ILLEGALLY EXECUTED A SEARCH WARRANT WHILE ABUSING LOCAL CITY AND STATE JUDICIAL EXPENSE TO DECEIVE A LOCAL COURT JUSTICE IN ISSUING A WARRANT IN RETALIATION OF PLAINTIFF'S PROTECTIVE ACTIVITIES.

THE FIFTH CAUSE OF ACTION

THAT THE QUEENS COUNTY PROSECUTOR HAS PARTICIPATED IN SUCH CONSPIRACY AFTER THE FACT AS IT RELATES TO THE CURRENT MISDEMEANOR CHARGES AGAINST PLAINTIFF IN THAT THERE HAS NOT BEEN AN INDICTMENT ON THE CURRENT CRIMINAL CHARGES FOR OVER 14 MONTHS IN ORDER TO CAUSE PUBLIC SHAME, EMBARRASSMENT AND ANNOYANCE TO PLAINTIFF WHICH WARRANT THAT THE PROSECUTOR'S INDIVIDUAL CAPACITY BE DEEM AS AN INVOLMENT IN THIS ACTION.

THE SIXTH CAUSE OF ACTION

THAT THE QUEENS COUNTY DISTRICT ATTORNEY'S OFFICE, THROUGH ITS PROSECUTOR, HAS PARTICIPATED IN A SHAME AND DECEIT WITH REGARDS TO THE CONTINUATION OF OVER FOURTEEN MONTHS OF COURT APPEARANCES ON A MISDEMEANOR IN ORDER TO CAUSE PUNISHMENT AGAINST PLAINTIFF FOR AN ILLEGAL SEARCH EXECUTED ON OCTOBER 10TH 2006 AS THE POLICE OFFICERS WERE THE SAME DEFENDANTS IN A PREVIOUS FEDERAL LAW SUIT FILED BY PLAINTIFF AND THAT THE CHAIN CONSPIRACY IS APPARENT AND THIS COURT MUST EXERCISE IT PENDENT JURISDICTION OVER THE CRIMINAL MATTER FOR THE INTEREST OF JUSTICE.

VI.

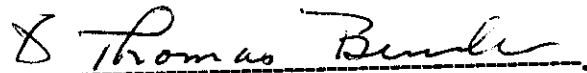
RELIEF:

Plaintiff is seeking that an injunction be issued against the current criminal proceedings in Queens County local criminal court transferring the matter to the jurisdiction of the federal magistrate for a hearing on the issue of retaliation and that a stay of the criminal action pending the deposition of this action herein.

Further relief that plaintiff demand damages in the amount of \$ 2.5 Million Dollars in damages against the defendants as individuals and in their official capacities, and that the defendant, The City of New York and defendant, The New York City Police Department be held officially liable for damages in the sum of \$ 550,000.00 dollars for punitive damages, and that each named defendant be held liable in their official and personal capacities in the sum of \$ 1.5 Million Dollars.

I DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT PURSUANT TO TITLE 28 U.S.C. SECTION 1746.

SIGNED ON THE ____ DAY OF ____, 20 ____ AND THAT MY SIGNATURE IS AFFIXED THEREIN FOR THE PURPOSE AND PROCESS AND THAT I AM AWARE OF THE PENALTIES OF PERJURY.



THOMAS BENDER

DATE: ____ DAY OF ____, 20 ____.

IFP, NPROSE

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:06-cv-03378-CBA-LB**

Bender v. Alvarez et al
Assigned to: Judge Carol B. Amon
Referred to: Magistrate-Judge Lois Bloom
Cause: 42:1983 Civil Rights Act

Date Filed: 07/10/2006
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Thomas Bender

represented by **Thomas Bender**
117-25 147th Street
Jamaica, NY 11436
718-322-1451
PRO SE

V.

Defendant

Detective Rachael Alvarez
Shield #28354

represented by **Jennifer Lindsay Rubin**
New York City Law Department
100 Church Street
New York, NY 10007
(212)788-1029
Fax: (212)788-0367
Email: jerubin@law.nyc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Sgt. Frank Bleier
Shield #00729

represented by **Jennifer Lindsay Rubin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Det. John Fogelman
Shield #07316

represented by **Jennifer Lindsay Rubin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Officer Scott Martin
Shield #28047

represented by **Jennifer Lindsay Rubin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Officer Warren Ernst
Shield #18391

represented by **Jennifer Lindsay Rubin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Det. Brian Smith
Shield #01176

represented by **Jennifer Lindsay Rubin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Officer Robert Santos
Shield #06127

represented by **Jennifer Lindsay Rubin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Det. Timothy Houlihan
Shield #01555

represented by **Jennifer Lindsay Rubin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Det. John Palmese
Shield #07181

represented by **Jennifer Lindsay Rubin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Officer Thomas Bertolini
Shield #03841

represented by **Jennifer Lindsay Rubin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Lt. Robert Morgigno
(Retired)

represented by **Jennifer Lindsay Rubin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Sgt. Scott Fields
Shield # 02801

represented by **Jennifer Lindsay Rubin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/10/2006	<u>1</u>	COMPLAINT against Timothy Houlihan, John Palmese, Thomas Bertolini, Robert Morgigno, Rachael Alvarez, Frank Bleier, John Fogelman, Scott Martin, Warren Ernst, Brian Smith, Robert Santos, filed by Thomas Bender. (Attachments: # <u>1</u> Civil Cover Sheet)(Tzou, Ilene) (Entered: 07/13/2006)
07/10/2006	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Thomas Bender. (Tzou, Ilene) (Entered: 07/13/2006)
07/25/2006	<u>3</u>	ORDER: Plaintiff's application <u>2</u> to proceed in forma pauperis under 28 U.S.C. sec. 1915 is hereby granted. The United States Marshals Service is directed to serve the summons and complaint upon the defendants without prepayment of fees. The parties shall advise the Court by signing the enclosed form whether they jointly consent to trial and decision on this case by a United States Magistrate Judge. So Ordered. (Ordered by Judge Lois Bloom, on 7/20/2006) C/M *Inter-Off. Svc. upon the U.S.M.S. *Motion <u>2</u> for IFP terminated. (Attachments: # <u>1</u> Individual Practices of Magistrate Judge Lois Bloom; # <u>2</u> Consent to Magistrate Judge Trial) (Latka-Mucha, Wieslawa) (Entered: 07/25/2006)
07/26/2006	<u>4</u>	Summons Issued as to Timothy Houlihan, John Palmese, Thomas Bertolini, Robert Morgigno, Scott Fields, Rachael Alvarez, Frank Bleier, John Fogelman, Scott Martin, Warren Ernst, Brian Smith, Robert Santos. (Courtesy Copy sent to Corporation Counsel of the City of New York via regular mail) (Latka-Mucha, Wieslawa) (Entered: 07/26/2006)
08/16/2006	<u>5</u>	Letter dated 8/9/2006 from Michael James to Judge Bloom, informing the Court "of some new developments in the matter of Thomas Bender," requesting the Court's permission to represent the plaintiff, etc. W/Attachment. (Latka-Mucha, Wieslawa) (Entered: 08/18/2006)
08/28/2006	<u>6</u>	Letter Regarding Michael James' Purported Power of Attorney by Rachael Alvarez. (Santiago, Leticia) (Entered: 08/28/2006)
09/08/2006	<u>8</u>	SUMMONS Returned Executed on behalf of pro se Thomas Bender. Timothy Houlihan; Scott Fields; Rachael Alvarez; Scott Martin; Brian Smith; Robert Santos served on 8/30/2006, answer due 9/19/2006. (Latka-Mucha, Wieslawa) (Entered: 09/25/2006)
09/15/2006	<u>9</u>	SUMMONS Returned Executed on behalf of pro se Thomas Bender. Thomas Bertolini served on 8/30/2006, answer due 9/19/2006. (Latka-Mucha, Wieslawa) (Entered: 09/27/2006)
09/25/2006	<u>7</u>	MOTION for Extension of Time to File Answer by Rachael Alvarez. (Rubin, Jennifer) (Entered: 09/25/2006)
09/26/2006		ORDER endorsed on doc.# <u>5</u> : The application is denied. Mr. James is not a licensed attorney. He cannot represent anyone other than himself. So Ordered. (Ordered by Judge Lois Bloom, on 9/21/2006) C/M (Latka-Mucha, Wieslawa) (Entered: 09/27/2006)
09/29/2006		ORDER endorsed on doc.# <u>7</u> : The application is granted. Defendants

		shall respond to the complaint by 10/25/06 whether or not they have obtained the sealed records from plaintiff's underlying criminal case. So Ordered. (Ordered by Judge Lois Bloom on 9/28/2006) C/M (Latka-Mucha, Wieslawa) (Entered: 09/29/2006)
10/06/2006	<u>10</u>	Summons Returned Unexecuted as to Robert Morgigno. See Remarks on Form USM-285: "Sent out by mail dated 8/17/06. Returned Unexecuted no such person at address." Fwd. to Judge Bloom. (Latka-Mucha, Wieslawa) (Entered: 10/10/2006)
10/24/2006	<u>11</u>	ANSWER to Complaint with Jury Demand by Rachael Alvarez.(Rubin, Jennifer) (Entered: 10/24/2006)
10/26/2006	<u>12</u>	ORDER: The Court shall hold an initial conference in the above-captioned case pursuant to Rule 16 of the Fed. R. Civ. P. on November 29, 2006 at 2:30 p.m. before the undersigned, in Courtroom 4C on the 4th Floor of the United States Courthouse. No planning conference pursuant to Rule 26(f), Fed. R. Civ. P., shall be required at this time. So Ordered. (Ordered by Judge Lois Bloom, on 10/25/2006) C/M (Latka-Mucha, Wieslawa) (Entered: 10/26/2006)
11/02/2006	<u>13</u>	MOTION to Adjourn Conference <i>set for November 29, 2006 at 2:30 p.m.</i> by Rachael Alvarez. (Rubin, Jennifer) Additional attachment(s) added on 11/6/2006 (Latka-Mucha, Wieslawa). (Entered: 11/02/2006)
11/06/2006		ORDER endorsed on doc.# <u>13</u> : The application is granted. The conference is rescheduled to NOVEMBER 28, 2006 at 2:30 p.m. in Courtroom 4C. So Ordered. (Ordered by Judge Lois Bloom, on 11/3/2006) C/M *Motion <u>13</u> terminated. (Latka-Mucha, Wieslawa) (Entered: 11/06/2006)
11/09/2006	<u>14</u>	Letter to Magistrate Bloom by Thomas Bender advising the Court that the Plaintiff intends to file an addition law suit against the new officers and the issues in this case (See document for further details). (Gonzalez, Mary) (Entered: 11/09/2006)
11/20/2006	<u>15</u>	Letter MOTION to Adjourn Conference " <i>until further notice</i> "; dated <i>11/10/2006</i> , filed by Thomas Bender. (Latka-Mucha, Wieslawa) (Entered: 11/21/2006)
11/20/2006	<u>16</u>	ORDER: As a courtesy to plaintiff, the Court grants plaintiff's request <u>15</u> for an adjournment of the conference scheduled for 11/28/2006. However, plaintiff's request that the Court adjourn this case "until further notice" is denied. The Court shall hold the initial conference in this case on December 11, 2006 at 2:00 p.m. before the undersigned, in Courtroom 4C on the 4th floor of the United States Courthouse. No further adjournment of this conference will be granted. So Ordered. (Ordered by Judge Lois Bloom on 11/16/2006) C/M *Motion <u>15</u> terminated. (Latka-Mucha, Wieslawa) (Entered: 11/21/2006)
12/01/2006	<u>17</u>	SUMMONS Returned Executed on behalf of pro se by Thomas Bender. Warren Ernst; John Palmese; Frank Bleier; John Fogelman served on 11/28/2006, answer due 12/18/2006. (Latka-Mucha, Wieslawa) (Entered: 12/01/2006)

		12/05/2006)
12/11/2006	<u>18</u>	Minute Entry for proceedings held before Judge Lois Bloom: Initial Conference held on 12/11/2006. Recorded. Tick #(s) 2:05:00 - 2:22:00. Appearances for Plaintiff: Thomas Bender, pro se; for Defendants: Jennifer Lindsay Rubin, Assistant Corporation Counsel. (Latka-Mucha, Wieslawa) (Entered: 12/12/2006)
12/12/2006		ORDER endorsed on doc.# <u>18</u> : The Court held a conference and set March 30, 2007 as the deadline for the parties to complete all discovery. Defendants' counsel shall inform the Court in writing by April 30, 2007 whether they shall seek summary judgment and if so, state the basis and propose a motion schedule. So Ordered. (Ordered by Judge Lois Bloom, on 12/11/2006) C/M (Latka-Mucha, Wieslawa) (Entered: 12/12/2006)
12/29/2006	<u>19</u>	MOTION for Extension of Time to File Answer <i>on Behalf of Fogelman and Ernst</i> by Rachael Alvarez. Motions referred to Lois Bloom. (Rubin, Jennifer) (Entered: 12/29/2006)
01/03/2007		ORDER endorsed on doc.# <u>19</u> : The application is granted. So Ordered. (Ordered by Judge Lois Bloom, on 1/2/2007) C/M *Motion <u>19</u> terminated. Detective Fogelman and Officer Ernst's answer due by 1/12/2007. (Latka-Mucha, Wieslawa) (Entered: 01/03/2007)
01/16/2007	<u>20</u>	ANSWER to Complaint by John Fogelman, Warren Ernst. (Rubin, Jennifer) (Entered: 01/16/2007)
03/30/2007	<u>21</u>	MOTION for Extension of Time to Complete Discovery <i>to April 30, 2007</i> by all defendants. (Rubin, Jennifer) (Entered: 03/30/2007)
04/05/2007		ORDER endorsed on doc.# <u>21</u> : The application is granted. SO ORDERED. (Ordered by Judge Lois Bloom, on 4/4/2007) C/M. (Discovery shall be completed by 4/30/2007. Motion <u>21</u> terminated) (Latka-Mucha, Wieslawa) (Entered: 04/05/2007)

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WBM
CIVIL COURT OF THE CITY OF NEW YORK
===== X
IN THE MATTER OF THE CLAIM OF:

THOMAS BENDER,

NOTICE OF CLAIM

CLAIMAINT,

-AGAINST-

CLAIM NO# _____.

THE NEW YORK CITY POLICE DEPARTMENT,
THE CITY OF NEW YORK,

DEFENDANTS.

===== X
TO: COMPTROLLER OF THE CITY OF NEWYORK:

PLEASE TAKE NOTICE, that the claimant herein hereby makes claim and demand against the City of New York and the New York City Police Department as follows:

The Claimant was falsely arrested and maliciously prosecuted in connection with the September 10th 2005 and October 11th 2006 illegal search of his home or residence.

1. The name and post office address of claimant is 117-25 147th Street, Jamaica, New York 11436 in the county of Queens.
2. That claimant is appearing Pro-Se in these proceedings.
3. The nature of the claim: Claimant was falsely arrested and charged with, among other things, possession of a control substance in connection with the September 10th 2005 illegal search of his residence. Defendant, through its employees, agents and officers, executed a search warrant again, on October 11th 2006 for which claimant reside and officers assaulted and caused the injuries of claimant's arm.
4. The damages or injuries claimed are the false arrest, the malicious prosecution, the manufacturing of evidence, planting evidence, illegal search and seizure, assault, state sponsored terrorism, burglar and robbery by the agents, officers and policemen or women who participated in this conspiracy.

5. That no contraband was discovered, nor did claimant's conduct or actions caused the violation or contributed to such arrest and search.

The claim and demand is hereby presented for adjustment and payment.

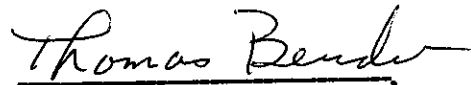
PLEASE TAKE FURTHER NOTICE, that by reason of the foregoing, in default of the City of New York and the NYPD, to pay to the claimant his claim within the time limited for compliance with this demand by the City of New York by the applicable statutes, claimant intends to commence an action against the defendants to recover his damages with interest and costs.

Date: February 28, 2007
Queens County, New York

Respectfully Submitted

To: New York City Corporation Counsel
100 Church Street,
New York, N.Y. 10010

Comptroller of the City of New York

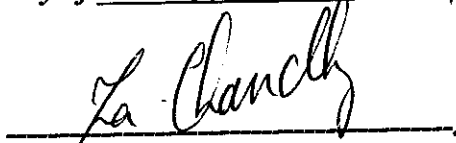

Thomas Bender, Pro-Se

Verification

State of New York)
County of Queens) SS:

I, Thomas Bender, appearing Pro-Se, being duly sworn depose and say that I am the claimant in the above entitled action and proceedings and that I have read the above and believe it to be true to the best of my personal knowledge, except as to matters upon information and belief, and as to those matters, I do believe them to be true.

Sworn to before me this 28
Day of March, 2007.



Notary.

ZUBAIR AHMED CHAUDHRY
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01CH6124000
QUALIFIED IN QUEENS COUNTY
COMMISSION EXPIRES MARCH 28, 2009


Thomas Bender, Pro-Se.

CIVIL COURT OF THE CITY OF NEW YORK
===== X
IN THE MATTER OF THE CLAIM OF:

THOMAS BENDER,

CLAIMANT,

PROPOSED CLAIM.

-AGAINST-

INDEX NO. _____.

THE NEW YORK CITY POLICE DEPARTMENT,
THE CITY OF NEW YORK,

DEFENDANTS.

===== X

I, Thomas Bender, appearing Pro-Se, being duly sworn, depose and says under the penalties of perjury the following:

PROPOSED CLAIM

1. That I am the claimant herein appearing Pro-Se, and I have personal knowledge of the facts and circumstances stated herein.
2. I am over the age of 18 years old.
3. That I make this proposed claim against the defendant, New York City Police Department and the City of New York for negligence and failing to properly train and educate its agents, officers, detectives and failing to provide honest and better trained supervisors.
4. That on September 10th 2005, my home was invaded by police officers, detectives and supervisors in connection to an illegal search of my home, see ***Exhibit-A (letter to the United States District Court)***.
5. Defendants had arrested claimant and Michael James as a result of that search and then detained claimant absent the Miranda Warnings.

6. That defendants, failed to provide adequate investigations after learning of the illegal search and that the police officers, detectives or agents applied for a search warrant without due process or probable cause.
7. That upon investigation by Michael James, the clerk of the criminal court indicated that there was no documents on file that supports the fact that the courtroom was open on the day the defendants claim to have obtained a search warrant issued by a local judge.
8. That this conspiracy among the police officers, agents and detective continued onward to October 11th 2006 in connection to yet another search.
9. This particular search, claimant was injured and the police officers fractured his arm and receive medical treatment.
10. The assault resulted from a brutal police officer who throw claimant to the ground while claimant stood in front of his residence.
11. It is unclear why a local judge issued the second warrant but the police officers executed this warrant on false pretence in violations of claimant's civil rights.
12. That claimant sues for damages in the amount of \$ 2 Million Dollars.

Wherefore, your deponent respectfully claim damages against the New York City Police Department and the City of New York in the amount of 2 Million dollars for compensation and for punitive damages, \$ 650,000.00 and for such other and further relief this court may deem just and proper.

***Sworn to before me this _____
Day of _____, 20 ____.***

Respectfully Submitted

Notary

Thomas Bender, Pro-Se.

Thomas Bender

Mr. Michael James
117-25 147th Street,
Jamaica, New York 11436

United States District Court
Eastern District of New York
225 Cadman Plaza East,
Brooklyn, New York 11201

October 21, 2006.

Re: *Thomas Bender vs. Alvarez, et, al.*
Civil Action No. 1:06-cv-03378

Dear Honorable Bloom;

Please be advise that as of October 10th 2006, several police officers, detectives and some known defendants had illegally searched the premises located at 117-25 147th Street, Jamaica, New York, Michael James residence. I was at home while Michael James went out on an errand, then all of the sudden, over 20 officers and detectives illegally entered the premises without a search warrant-again!!

I was informed that some of these officers were defendants in a pending federal law suit (cv-5992), and that these officers had called upon new officers from the Narcotics Borough Queens North Unit. This was in retaliation to the pending federal action an that the nexus is clearly established. These officers broken into the home of Michael James without a search warrant, ransacked the entire premises, stole legal documents, papers and files from Michael James residence, destroyed and damaged property inside-again!!! I had filed a recent federal law suit against several defendants and as a direct result, the residence of Michael James was illegally searched and I was not shown any search warrant while in custody. My arm was fractured (or broken) as a result of the assault by these officers and because I did not tell them the whereabouts of Michael James, they assaulted me and planted five bags of heroin and a pocket knife, claiming that I was in possession of these items.

I was placed in jail for 48 hours and saw a judge then released, and now I am in fear of my life and I demand that this court subpoena police officer Theodore, shield no. 12182 from the Narcotics Borough Queens Unit which is the same employment location as the defendants named in the pending law suit, along with police officers from the 113th precinct Queens.

In closing, please duly note that I tend to file an additional law suit against these new officers and detectives for retaliation, intimidation of a federal witness, conspiracy, perjury, obstruction of justice, falsifying evidence, manufacturing evidence, felony harassment, and those unknown officers who participated in this illegal search of October 10th 2006.

I informed Michael James of what happened and he had informed me that an additional law suit against these new officers will be filed upon the discovery of other names and shield numbers.

Sincerely Submitted

Michael T. James

To:

*NYS Attorney General
US. Attorney's Office
Senator Hillary Rodham Clinton
Governor George E. Pataki,
Commissioner Ray W. Kelly
Mayer Michael Bloomberg
Masjid Al-Hamdullilah, Imam Bilal
Masjid Taqwah
Department of Investigations.*

*Mr. Michael James
117-25 147th Street,
Jamaica, N.Y. 11450*

*United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, N.Y. 11201
Hon. Lois Bloom, Magistrate*

October 13th 2006.

*Re: Michael James vs. Rachael Alvarez, et., al.
Civil Action No. 05-CV-5992*

To: Hon. Lois Bloom;

Please be advised that I am writing this letter to inform this honorable court of new and current developments with respect to the above entitled action therein. As this court should duly note for the record, plaintiff was obligated to produce documentary papers for corporation counsel's discover motions. However, on October 10th 2006 at 8:20 p.m., my home was again illegally searched by known and unknown police officers, detectives, some of which are currently defendants in the above proceedings, including defendant Alvarez.

This law suit had stemmed from an illegal search and seizure in violation of my constitutional rights, to wit, that no judge with relevant jurisdiction had signed off on a search warrant on September 7th 2005 to search my home. After receiving a copy of what appeared to be a warrant from Sabrina Tann, Esq, the assistant corporation counsel, I had challenged the entire legitimacy of the warrant itself. On the face of the search warrant was the name, Capuano, who happen to be the judge who issued the warrant or '...the name of the person appearing on the face of the warrant itself...' The actions of the defendants were criminal at best and this court has the authority to subpoena each and every named defendant to give testimony of his or her participation in this case.

On October 10th 2006, my home was raided by detective Alvarez and others unknown officer, about fifteen or twenty officers with K-9 units who committed a '..burglary of my home without a warrant..' and this time, my roommate, Thomas Bender, who happens to have a federal law suit pending before this court as well, was arrested, assaulted, the police officers broken his arm or cause serious physical injuries to his arm and ransacked my home in search of legal documents, to possible plant evidence, to destroy evidence, to intimidate a government witness, to harass and to cause me to live in fear of my life as I litigate this case in federal court.

The initial case involved the manufacture of false evidence, a zip lock bag of heroin that was the initial reason why my home was illegally searched from the beginning. Then I was arrested illegally and after some time, I had learned that the warrant was not issued by a judge of relevant jurisdiction. The police reports have indicated that Judge Fernando Camacho has issued the warrant but the contradiction is that on the face of the warrant, Judge Capuano Camacho's name is on the warrant from AP-4.

After an investigation, I had learn that judge Capuano does not exist as a judge and Judge Fernando Camacho did not preside over the bench in Queens County Superior Court, New York on September 7th 2007, APR-1, or APR-4 and that it was Judge Domingue presiding at that time. All of this evidence was brought to the attention of Hon. Lois Bloom, the U.S. Eastern District Magistrate. Nothing was duly noted and Bloom did nothing to cure or direct for an independent investigation or request.

Now, in retaliation, to intimidate a government witness, myself and Thomas Bender, the defendants, in a criminal enterprise RICO, along with others unknown police officers who are new recruits in this action, illegally searched my home again and ransacked the entire home, destroyed my home, furniture again, and then took legal papers, exhibits and other documents surrounding this case, and then arrested Thomas Bender on false charges of being in possession of five bags of heroin and a pocket knife.

At this point, I am in fear of my life. I am in fear of Thomas Bender's life because he had filed a federal lawsuit that is currently pending against these police officers, detectives and public officials. A copy of this letter will be sent to the Governor, the New York State Attorney General's Office for an investigation, Internal Affairs Division, and Senate's and Local Officials, including the Mosque-Imam Bilal.

I am no longer obligated to produce any discovery at this point and I will not participate in any deposition with the defendants unless such deposition be held in the federal building or the district courthouse.

I Kindly Remain.....

Michael T. Jones

To: Hon. District Judge Amos.
Hon. Lois Bloom, Magistrate
Hon. Governor Pataki
Hon. Elliot Spitzer, Attorney Gen.
U.S. Senate Ada Smith
NYPD Commissioner
New York City Mayor Bloomberg
Masjid Al-Hamdullilah-Imam Bilal
New York News Channel One
Channel 7Eye witness News

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

=====X
THOMAS BENDER

PLAINTIFF,

Plaintiff Designates Queens
County as the Place of Trial.

-AGAINST-

S U M M O N S.

DET. RACHAEL ALVAREZ, SHIELD NO. 28354;
SGT. SCOTT FIELDS, SHIELD NO. 02801;
DET. FRANK BLEIER, SHIELD NO. 00729;
DET. JOHN FOGELMAN, SHIELD NO. 07316;
OFFICER SCOTT MARTIN, SHIELD NO. 28047;
OFFICER WARREN ERNST, SHIELD NO. 18391;
DET. BRIAN SMITH, SHIELD NO. 01176
OFFICER ROBERT SANTOS, SHIELD NO. 06127;
DET. TIMOTHY HOULIHAN, SHIELD NO. 01555;
DET. JOHN PALMESE, SHIELD NO. 07181;
OFFICER BERTOLINI, SHIELD NO. 03841;
LT. ROBERT MORGINO, (RETIRED).

INDEX NO 6247-07

Basis of Venue is in Queens
County as it relates to the
Actions challenged by the
Defendant named herein.

DEFENDANTS.

=====X

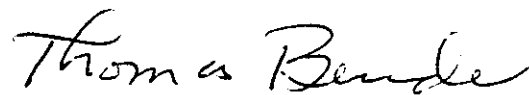
TO: THE ABOVE NAMED PLAINTIFF:

YOU ARE HEREBY SUMMONED, to answer the Verified Complaint in this action and to serve a copy of the answer, or, if the verified complaint is not served with this summons to serve a notice of appearance, on the plaintiff's attorney within (20) twenty days after the service of this summons, exclusive of the day of service or within (30) thirty days after the service is completed if this summons is not personally delivered to you within the State of New York, and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the verified complaint.

07 MAR -9 PM 4:27
QUEENS COUNTY CLERK

*Date: February 28, 2007
Queens County, New York*

Respectfully Submitted

A handwritten signature in cursive script that reads "Thomas Bender". The signature is written in black ink and is positioned above a horizontal line.

*Thomas Bender, Pro-Se.
117-25 147th Street,
Jamaica, N.Y. 11436*

*To: New York City Corporation Counsel
100 Church Street,
New York, N.Y. 10010*

Index: 6247/07

Attorney:

State of New York: County of Queens Supreme Court

Thomas Bender

Plaintiff/Petitioner

Against

Defendant/Respondent

Det. Rachael Alvarez, Sgt. Scott Fields, Det. Frank Bleier, Det. John Fogelman, Officer Scott Martin, Officer Warren Ernst, Det. Brian Smith, Officer Robert Santos, Det. Timothy Houlihan, Det. John Palmese, Officer Bertolini, Lt. Robert Morgino

Joseph Staropoli Being Duly Sworn, Deposes and Says Deponent is Not A Party To This Action And Is Over The Age of Eighteen Years And Resides in The State of New York

That on 3/19/07 at 10:13AM at 80-45 Winchester Boulevard Queens Village, NY 11428 Building#70 Deponent Served The Within Summons and Verified Complaint on Det. Brian Smith

Suitable Age:

By Delivering 1 Copy/s thereof to and leaving with Lt. Salerno a person of Suitable Age and Discretion, Who was willing to receive same and who resided-was employed at said property

Mailing:

Deponent completed service by mailing a copy to each Respondent/Defendant enclosed in a post-paid properly addressed envelope to each Respondent/Defendant at the above named address on 3/20/2007 via Regular First Class Mail. Mailed from within The City of New York.

Description:

Sex: Male

Skin: White

Hair: Black

Age: 45

Height: 5/8

Weight: 170

Deponent asked the person spoken to whether they were presently in the Military of the United States Government or on active duty in the Military Service in the State of New York or Dependent upon anybody in the Military of the United States Government or on active duty in the Military Service in the State of New York. And was informed that he/she is neither a member of the Military Service, nor a Dependent upon anyone in the Military service of the United States Government.

JAS PROCESS SERVING

Sworn to Before Me 3/20/2007

JOSEPH GLASSER
Notary Public, State of New York
No. 01GL6110273
Qualified in Queens County
Commission Expires May 24, 2008

Je A
82375

Index: 6247/07
Attorney:

State of New York: County of Queens Supreme Court

Thomas Bender

Plaintiff/Petitioner

Against

Defendant/Respondent

Det. Rachael Alvarez, Sgt. Scott Fields, Det. Frank Bleier, Det. John Fogelman, Officer Scott Martin, Officer Warren Ernst, Det. Brian Smith, Officer Robert Santos, Det. Timothy Houlihan, Det. John Palmese, Officer Bertolini, Lt. Robert Morgino

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That on 3/19/07 at 10:13AM at 80-45 Winchester Boulevard Queens Village, NY 11428 Building#70 Deponent Served The Within Summons and Verified Complaint on Officer Robert Santos

Suitable Age:

By Delivering 1 Copy/s thereof to and leaving with Lt. Salerno a person of Suitable Age and Discretion, Who was willing to receive same and who resided-was employed at said property

Mailing:

Deponent completed service by mailing a copy to each Respondent/Defendant enclosed in a post-paid properly addressed envelope to each Respondent/Defendant at the above named address on 3/20/2007 via Regular First Class Mail. Mailed from within The City of New York.

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Sex: Male

Skin: White

Hair: Black

Age: 45

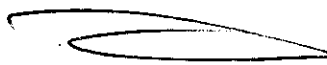
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JOSEPH GLASSER
Notary Public, State of New York
No. 01GL6110278
Qualified in Queens County
Commission Expires May 24, 2008


823-75

Index: 6247/07
Attorney:

State of New York: County of Queens Supreme Court

Thomas Bender

Plaintiff/Petitioner

Against

Defendant/Respondent

Det. Rachael Alvarez, Sgt. Scott Fields, Det. Frank Bleier, Det. John Fogelman, Officer Scott Martin, Officer Warren Ernst, Det. Brian Smith, Officer Robert Santos, Det. Timothy Houlihan, Det. John Palmese, Officer Bertolini, Lt. Robert Morgino

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Suitable Age:

By Delivering 1 Copy/s thereof to and leaving with Lt. Salerno a person of Suitable Age and Discretion, Who was willing to receive same and who resided-was employed at said property

Mailing:

Deponent completed service by mailing a copy to each Respondent/Defendant enclosed in a post-paid properly addressed envelope to each Respondent/Defendant at the above named address on 3/20/2007 via Regular First Class Mail. Mailed from within The City of New York.

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Sworn to Before Me 3/12/2007

JOSEPH GLASSER
Notary Public, State of New York
No. 01GL6110278
Qualified in Queens County
Commission Expires May 24, 2008

Je /t
823775

Index: 6247/07

Attorney:

State of New York: County of Queens Supreme Court

Thomas Bender

Plaintiff/Petitioner

Against

Defendant/Respondent

Det. Rachael Alvarez, Sgt. Scott Fields, Det. Frank Bleier, Det. John Fogelman, Officer Scott Martin, Officer Warren Ernst, Det. Brian Smith, Officer Robert Santos, Det. Timothy Houlihan, Det. John Palmese, Officer Bertolini, Lt. Robert Morgino

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Suitable Age:

By Delivering 1 Copy/s thereof to and leaving with Lt. Salerno a person of Suitable Age and Discretion, Who was willing to receive same and who resided-was employed at said property

Mailing:

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Hair: Black

Age: 45

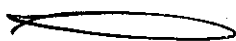
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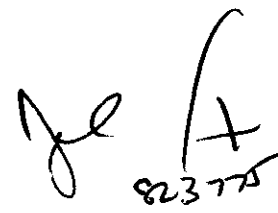
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No. 01GL6110278
Qualified in Queens County
Commission Expires May 24, 2008


82375

Index: 6247/07

Attorney:

State of New York: County of Queens Supreme Court

Thomas Bender

Plaintiff/Petitioner

Against

Defendant/Respondent

Det. Rachael Alvarez, Sgt. Scott Fields, Det. Frank Bleier, Det. John Fogelman, Officer Scott Martin, Officer Warren Ernst, Det. Brian Smith, Officer Robert Santos, Det. Timothy Houlihan, Det. John Palmese, Officer Bertolini, Lt. Robert Morgino

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That on 3/19/07 at 10:13AM at 80-45 Winchester Boulevard Queens Village, NY 11428 Building#70 Deponent Served The Within Summons and Verified Complaint on Officer Bertolini

Suitable Age:

By Delivering 1 Copy/s thereof to and leaving with Lt. Salerno a person of Suitable Age and Discretion, Who was willing to receive same and who resided-was employed at said property

Mailing:

Deponent completed service by mailing a copy to each Respondent/Defendant enclosed in a post-paid properly addressed envelope to each Respondent/Defendant at the above named address on 3/20/2007 via Regular First Class Mail. Mailed from within The City of New York.

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Sex: Male

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Hair: Black

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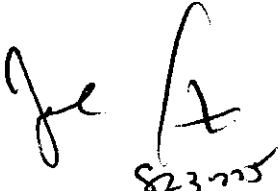
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JOSEPH GLASSER
Notary Public, State of New York
No. 01GL6110278
Qualified in Queens County
Commission Expires May 24, 2008



823 725

Index: 6247/07
Attorney:

State of New York: County of Queens Supreme Court

Thomas Bender

Plaintiff/Petitioner

Against

Defendant/Respondent

Det. Rachael Alvarez, Sgt. Scott Fields, Det. Frank Bleier, Det. John Fogelman, Officer Scott Martin, Officer Warren Ernst, Det. Brian Smith, Officer Robert Santos, Det. Timothy Houlihan, Det. John Palmese, Officer Bertolini, Lt. Robert Morgino

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Suitable Age:

By Delivering 1 Copy/s thereof to and leaving with Lt. Salerno a person of Suitable Age and Discretion, Who was willing to receive same and who resided-was employed at said property

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Sworn to Before Me 3/20/2007

JOSEPH GLASSER
Notary Public, State of New York
No. 01GL6110273
Qualified in Queens County
Commission Expires May 24, 2008

Joe A. Surt

State of New York: County of Queens Supreme Court

Index: 6247/07
Attorney:

Thomas Bender

Plaintiff/Petitioner

Against

Defendant/Respondent

Det. Rachael Alvarez, Sgt. Scott Fields, Det. Frank Bleier, Det. John Fogelman, Officer Scott Martin, Officer Warren Ernst, Det. Brian Smith, Officer Robert Santos, Det. Timothy Houlihan, Det. John Palmese, Officer Bertolini, Lt. Robert Morgino

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Suitable Age:

By Delivering 1 Copy/s thereof to and leaving with Lt. Salerno a person of Suitable Age and Discretion, Who was willing to receive same and who resided-was employed at said property

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823775

Index: 6247/07

Attorney:

State of New York: County of Queens Supreme Court

Thomas Bender

Plaintiff/Petitioner

Against

Defendant/Respondent

Det. Rachael Alvarez, Sgt. Scott Fields, Det. Frank Bleier, Det. John Fogelman, Officer Scott Martin, Officer Warren Ernst, Det. Brian Smith, Officer Robert Santos, Det. Timothy Houlihan, Det. John Palmese, Officer Bertolini, Lt. Robert Morgino

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Suitable Age:

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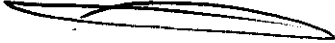
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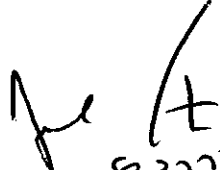
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Qualified in Queens County
Commission Expires May 24, 2008


823775

Index: 6247/07
Attorney:

State of New York: County of Queens Supreme Court

Thomas Bender

Plaintiff/Petitioner

Against

Defendant/Respondent

Det. Rachael Alvarez, Sgt. Scott Fields, Det. Frank Bleier, Det. John Fogelman, Officer Scott Martin, Officer Warren Ernst, Det. Brian Smith, Officer Robert Santos, Det. Timothy Houlihan, Det. John Palmese, Officer Bertolini, Lt. Robert Morgino

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Suitable Age:

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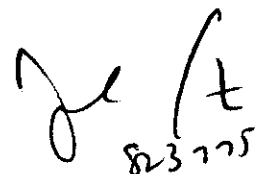
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JOSEPH GLASSER
Notary Public, State of New York
No. 01GL6110276
Qualified in Queens County
Commission Expires May 24, 2008



Index: 6247/07
Attorney:

State of New York: County of Queens Supreme Court

Thomas Bender

Plaintiff/Petitioner

Against

Defendant/Respondent

Det. Rachael Alvarez, Sgt. Scott Fields, Det. Frank Bleier, Det. John Fogelman, Officer Scott Martin, Officer Warren Ernst, Det. Brian Smith, Officer Robert Santos, Det. Timothy Houlihan, Det. John Palmese, Officer Bertolini, Lt. Robert Morgino

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Sworn to Before Me 3/20/2007

JOSEPH GLASSER

Notary Public, State of New York

No. 01GL6110278

Qualified in Queens County

Commission Expires May 24, 2008

John A.
823 775

State of New York: County of Queens Supreme Court

Index: 6247/07
Attorney:

Thomas Bender

Plaintiff/Petitioner

Against

Defendant/Respondent

Det. Rachael Alvarez, Sgt. Scott Fields, Det. Frank Bleier, Det. John Fogelman, Officer Scott Martin, Officer Warren Ernst, Det. Brian Smith, Officer Robert Santos, Det. Timothy Houlihan, Det. John Palmese, Officer Bertolini, Lt. Robert Morgino

Joseph Staropoli Being Duly Sworn, Deposes and Says Deponent is Not A Party To This Action And Is Over The Age of Eighteen Years And Resides in The State of New York

That on 3/19/07 at 10:13AM at 80-45 Winchester Boulevard Queens Village, NY 11428 Building #70 Deponent Served The Within Summons and Verified Complaint on Officer Scott Martin

Suitable Age:

By Delivering 1 Copy/s thereof to and leaving with Lt. Salerno a person of Suitable Age and Discretion, Who was willing to receive same and who resided-was employed at said property

Mailing:

Deponent completed service by mailing a copy to each Respondent/Defendant enclosed in a post-paid properly addressed envelope to each Respondent/Defendant at the above named address on 3/20/2007 via Regular First Class Mail. Mailed from within The City of New York.

Description:

Sex: Male

Skin: White

Hair: Black

Age: 45


Height: 5/8

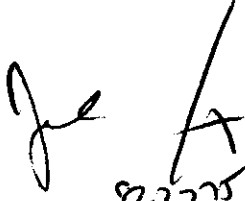
Weight: 170

Deponent asked the person spoken to whether they were presently in the Military of the United States Government or on active duty in the Military Service in the State of New York or Dependent upon anybody in the Military of the United States Government or on active duty in the Military Service in the State of New York. And was informed that he/she is neither a member of the Military Service, nor a Dependent upon anyone in the Military service of the United States Government.

JAS PROCESS SERVING

Sworn to Before Me 3/20/2007


JOSEPH GLASSER
Notary Public, State of New York
No. 01GL6110276
Qualified in Queens County
Commission Expires May 24, 2008


823-775

Index: 6247/07
Attorney:

State of New York: County of Queens Supreme Court

Thomas Bender

Plaintiff/Petitioner

Against

Defendant/Respondent

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